

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF September 8, 2008

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer William Cover called the meeting to order at 9:15 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

William Cover, R.Ph., President
Del T. Fanning, R.Ph., Vice President
Steve Anderson, R.Ph., Member
Donna Wall, PharmD., R.Ph., Member
Sara St. Angelo, PharmD, R.Ph., Member
Winnie Landis, R.Ph., Member
Lora Williams, Consumer Member

Board Members not in attendance:

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

A motion was made and seconded to adopt the agenda.

Wall/Landis

Motion carried 7/0/0

A motion was made and seconded to adopt the August 2008 Minutes.

Fanning/St. Angelo

Motion carried 7/0/0

Compliance Officers presented their reports.

Donna Wall and Gordon White attended the following pre-hearing conferences at 9:25 with Respondents' counsel Stacey Cook and State of Indiana's counsel Terry Richmond, Morgan Wills and Christa Jewsbury.

Steven Anderson left the meeting.

PREHEARING CONFERENCES

In the Matter of the Indiana License of Walgreen Co.

License No. 60004083A
Administrative Cause No. 2007 IBP 0058

In the Matter of the Indiana License of Walgreen Co.

License No. 60004385A
Administrative Cause No. 2007 IBP 0052

In the Matter of the Indiana License of Walgreen Co.

License No. 60004410A

Administrative Cause No. 2007 IBP 0046

In the Matter of the Indiana License of Walgreen Co.

License No. 60004413A

Administrative Cause No. 2007 IBP 0038

In the Matter of the Indiana License of Walgreen Co.

License No. 60004462A

Administrative Cause No. 2007 IBP 0036

In the Matter of the Indiana License of Walgreen Co.

License No. 60004447A

Administrative Cause No. 2007 IBP 0034

In the Matter of the Indiana License of Curtis Stratman, R.Ph.

License No. 26015247A

Administrative Cause No. 2007 IBP 0059

In the Matter of the Indiana License of Steven Weileman, R.Ph.

License No. 26016427A

Administrative Cause No. 2007 IBP 0053

In the Matter of the Indiana License of Troy Martin, R.Ph.

License No. 26017299A

Administrative Cause No. 2007 IBP 0047

In the Matter of the Indiana License of John Miller, R.Ph.

License No. 26021187A

Administrative Cause No. 2007 IBP 0039

In the Matter of the Indiana License of Frank Cockman, R.Ph.

License No. 26018073A

Administrative Cause No. 2007 IBP 0037

In the Matter of the Indiana License of Todd Chappell, R.Ph.

License No. 26018565A

Administrative Cause No. 2007 IBP 0035

A motion was made and seconded to request a personal appearance for Clarian Health Lafayette to discuss business model.

St. Angelo/Anderson

Motion carried 7/0/0

Cindy Malher failed to appear before the board regarding her pharmacist renewal application. A motion was made and seconded to deny the application.

Fanning/St. Angelo

Motion carried 5/0/0

Aaron Kirkpatrick appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to approve the application.

Fanning/St. Angelo

Motion carried 5/0/0

Donna Wall & Gordon White returned to the meeting.

Alexandra Bilbrey appeared before the board regarding her pharmacist renewal application. A motion was made and seconded to place Bilbrey's pharmacist license on probation with additional terms.

Landis/Fanning

Motion carried 5/0/1 (Wall abstained)

Robert Sell, IV appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to approve the renewal application.

Fanning/St. Angelo

Motion carried 6/0/0

Joseph Mathys appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to table the application.

Landis/Fanning

Motion carried 6/0/0

Steven Anderson returned to meeting.

David McCord appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to place the Respondent's license on probation.

Landis/Wall

Motion carried 6/0/1 (St. Angelo abstained)

Joseph Dean appeared before the board regarding his pharmacy technician renewal application. A motion was made and seconded to table the application pending submission of addictionology report.

Landis/Wall

Motion carried 7/0/0

Philip Farah, Jr. appeared before the board regarding his pharmacy license transfer application. A motion was made and seconded to allow the applicant to take the MPJE and to execute a PRN contract with application tabled until such time the exam is passed and another personal appearance is made.

Anderson/St. Angelo

Motion carried 7/0/0

A motion was made and second to approve the HME application for Evercare Medical Solutions.

Anderson/St. Angelo

Motion carried 7/0/0

A motion was made and second to approve the pharmacy technician application for Roger Soucy.

Anderson/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to deny the following pharmacy technician renewal applications:

Everett Muckey
Samuel Young III
Jennifer Rangel
Tiandrya Watkins
Megan Webb

Anderson/St. Angelo

Motion carried 7/0/0

Board reviewed CSAC's Recommended Finding of Fact, Conclusions of Law and Order on Thomas Bathrick's CSR. A motion was made and seconded to not accept the recommendation of CSAC regarding Bathrick's CSR and set the matter for an evidentiary hearing at the October Board of Pharmacy meeting.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Indiana Pharmacist License of Barbara Chew

License No. 26016031A
Administrative Cause No. 2008 IBP 0034
Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, DAG
Barbara Chew, Respondent
Michelle Baldwin, Respondent's counsel

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Wall

Landis recused herself.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to accept the parties' proposed settlement agreement with additional terms.

Fanning/Wall

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Mark Lawson

License No. 26014783A
Administrative Cause No. 2008 IBP 0012

Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, DAG

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

Bret Busby

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to issue a notice of proposed default.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Pharmacy Technician Certification Kathy Jones

Certification No. 67010096A

Administrative Cause No. 2008 IBP 0015

Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, DAG

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

Bret Busby

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to issue a notice of proposed default.

St. Angelo/Wall

Motion carried 7/0/0

In the Matter of the Renewal Application of Karen Gilbert, Pharmacy Technician

Certification No. 67004500A

Administrative Cause No. 2004 IBP 0035

Re: Petition to Withdraw Probation

Parties and Counsel Present:

Heather Kennedy, DAG

Elizabeth Ferguson, Certified Graduate Intern

Karen Gilbert, Respondent

Participating Board Members:

Fanning

Anderson

St. Angelo

Williams

Cover

Landis

Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Respondent filed a Petition to Withdraw Probation.

Board Action:

A motion was made and seconded to withdraw the probation.

Landis/Wall

Motion carried 7/0/0

In the Matter of the Pharmacy Technician Certification of Donnielle Shead

Certification No. 67008613A

Administrative Cause No. 2005 IBP 0036

Re: Petition for Reinstatement

Parties and Counsel Present:

Heather Kennedy, DAG

Elizabeth Ferguson, Certified Graduate Intern

Donnielle Shead, Respondent

Participating Board Members:

Fanning

Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

Donnielle Shead

Witnesses for the State:

None

Case Summary:

Respondent filed a Petition to Reinstate her suspended license.

Board Action:

A motion was made and seconded to reinstate the license and place the Respondent on probation with terms.

Wall/St. Angelo

Motion carried 7/0/0

Steve Anderson left meeting.

In the Matter of the Pharmacy Technician Certification Steven Thomas

Certification No. 67003001A

Administrative Cause No. 2004 IBP 0027

Re: Final Hearing

Parties and Counsel Present:

Heather Kennedy, DAG

Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to issue a notice of proposed default.

St. Angelo/Anderson

Motion carried 6/0/0

In the Matter of the Pharmacy Technician Certification Kathy Uebel

Parties and Counsel Present:

Heather Kennedy, DAG
Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning
Anderson
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

A Complaint was filed against the Respondent's pharmacist license.

Board Action:

A motion was made and seconded to extend the emergency of suspension for an additional ninety (90) days.

Fanning/Wall

Motion carried 6/0/0

A motion was made and seconded to issue a notice of proposed default.

St. Angelo/Wall

Motion carried 6/0/0

A motion was made and seconded to accept the agreed voluntary summary suspension of Jacob Barrett.

Wall/St. Angelo

Motion carried 6/0/0

Steve Anderson returned to meeting.

A motion was made and seconded to place the applicant Joseph Mathys license on probation with terms.

Landis/Wall

Motion carried 6/0/1

Connie Brown appeared before the board regarding her pharmacy technician application. A motion was made and seconded to approve Connie Brown's pharmacy technician certification application.

Fanning/St. Angelo

Motion carried 7/0/0

James Sagstetter appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to place Respondent's license on probation with additional terms.

Anderson/Fanning

Motion carried 7/0/0

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft
Tara Feldhaus
Mark Huntzinger
Tony Jacobs
Christopher King
Thomas MacLean
Dennis Mock
Jon Stelter
Stephen Szalewski
Valerie Ziemkowski

Anderson/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the following probationary appearances:

Gregory Dodds
Robert Jaberg
Christine Nafe
Susan Reynolds

Williams/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the following probationary appearances:

Erik Blemker
Gerry Bowman
Lawrence Brassard
Tina King
Linda Rodeman
Keith Schmitt
Michael Werner

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the probationary appearance of Thomas Godge.

Anderson/Fanning

Motion carried 7/0/0

A motion was made and seconded to issue an Order to Show Cause to Stephen Zehring who failed to appear for his personal appearance.

Fanning/Anderson

Motion carried 7/0/0

Angela Kruer and Stephanie Voight failed to appear for their probationary appearances.

A motion was made and seconded to the pharmacist examination application for Pamela Tanyitiku.

Wall/Landis

Motion carried 7/0/0

A motion was made and seconded to approve the pharmacist intern application of John Whiteley.

Wall/Anderson

Motion carried 7/0/0

A motion was made and seconded to approve the following license transfer applications:

John Crouch —Positive Response
Michael Kellihan – Positive Response

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the WDD renewal application for Richie Pharmacal Co. (WDD Positive Response).

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the WDD renewal application for Patterson Logistics Services Inc—Mount Joy, PA (WDD Positive Response).

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to table the WDD renewal application for Cardinal Health (WDD Positive Response) with a request for copy of settlement agreement with Ohio Board of Pharmacy.

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the WDD renewal application for Patterson Logistics Services Inc—Camby, IN (WDD Positive Response).

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the renewal application for Gail Uminger (Pharmacist, Expired 06/30/2000) pending the applicant passing both the MPJE and the NAPLEX.

St. Angelo/Wall

Motion carried 6/0/1 (Anderson abstained)

A motion was made and seconded to approve the renewal application for Jamie Logsdon (Pharmacist Positive Response).

St. Angelo/Anderson

Motion carried 7/0/0

A motion was made and seconded to approve the renewal application for Frederick Schwarz (Pharmacist Positive Response) pending receipt of documentation.

A motion was made and seconded to approve the following renewal applications pending the applicants passing the MPJE:

Richard Shepard—Pharmacist, Expired 06/30/2004
Stephanie Shrader—Pharmacist, Expired 06/30/2004

St. Angelo/Anderson

Motion carried 7/0/0

A motion was made and seconded to table the continuing education hours application for St. Joseph County Pharmacy Assoc. requesting supplemental material.

Anderson/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the continuing education hours for Robert Plant, PharmD. (1 hour).

Anderson/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the following positive response applications:

Kristina Refshammer
Kenya McClatchie
William P. Sanford

Anderson/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the positive response application of Lorraine Yates.

Landis/Fanning

Motion carried 7/0/0

A motion was made and seconded to table the positive response application of Brittany Treflner requesting an addictionology report and a personal appearance.

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to table the positive response application of Britney Palmer requesting an addictionology report and a personal appearance.

Landis/St. Angelo

Motion carried 5/2/0 (Anderson & Fanning)

A motion was made and seconded to table the following requests for waiver with the applicant to submit transcripts:

Alysha Switalski
Brandon Bourgeois
Trent Huckstep

Landis/Fanning

Motion carried 7/0/0

A motion was made and seconded to approve the following requests for waiver:

Chase Robertson
Derek Jamerson
Catherine Reese
Lindsay K Miller
Christopher Ehalt
Matthew Baldwin

Landis/Fanning

Motion carried 7/0/0

A motion was made and seconded to table the request for waiver of Omar Nelson requesting a transcript and letter from GED program detailing status.

Landis/Wall

Motion carried 6/1/0 (St. Angelo)

A motion was made and seconded to approve the request for extension of technician-in-training permit of James Neeley for ninety (90) days.

Landis/Wall

Motion carried 7/0/0

MISCELLANEOUS

Board Director's Report

OLD/NEW BUSINESS

A motion was made and seconded to readopt LSA Document #08-346(F).

Anderson/St. Angelo

Motion carried 7/0/0

The meeting adjourned at 5:46 p.m.

William Cover, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, October 6, 2008
Indiana Government Center South Room W064